

RECEIVED
FEDERAL FAX CENTER

JUL 21 2004

OFFICIAL

Fax Cover Sheet**ESTÉE
LAUDER**
COMPANIES

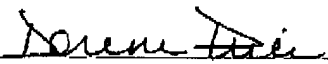
DATE: July 21, 2004 **TIME:** 10:17 AM
TO: Wells, Lauren Q. **PHONE:** 571-272-0634
U.S.P.T.O. GAU 1617 **FAX:** 703-872-9306
FROM: Dorene M. Price **PHONE:** (631) 531-1194
Estée Lauder Companies **FAX:** (631) 531-1340
RE: Response to Non-final Office Action (S/N 09/838,649)

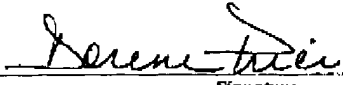
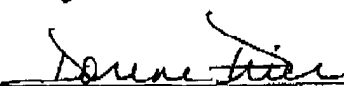
CC:**Number of pages including cover sheet: 13****Message**

Please see the attached documents.

1. Certificate of Transmission
2. Amendment Transmittal
3. Amendment (7pp & 1.132 Declaration 3pp)

The information contained in this facsimile message is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original to us at the above address via the US Postal Service. Thank you.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Cioza et al.			Docket No. (2870/458) 99.25US
Application No. 09/838,649	Filing Date April 19, 2001	Examiner Wells, Lauren Q.	Group Art Unit 1617
Invention: Stable Antimicrobials in Structured Water			
<p>I hereby certify that this <u>Cert, Response (7 pp & 3 pp 1.132 Decl), Transmittal</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u>) on <u>July 21, 2004</u> (Date)</p> <p>Dorene M. Price (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>			

AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. <i>(2370/458)</i> 99.25US	
Applicant(s): Cioca et al.						
Application No. 09/838,649	Filing Date 04/19/2001	Examiner Wells, Lauren Q.	Customer No.	Group Art Unit 1617	Confirmation No.	
Invention: Stable Antimicrobials in Structured Water						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is an amendment in the above-identified application.						
The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	12 -	22 =	0 x	\$18.00	\$0.00	
INDEP. CLAIMS	1 -	4 =	0 x	\$84.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <i>05-1320</i> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.						
 _____ Signature			Dated: July 21, 2004			
Dorene M. Price (Reg. No. 43,018) Estee Lauder Companies 125 Pinelawn Road Melville, NY 11747 (631) 531-1194			I certify that this document and fee is being deposited on July 21, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <i>by fax to 703-872-9306.</i>  _____ Signature of Person Mailing Correspondence DORENE M. PRICE _____ Typed or Printed Name of Person Mailing Correspondence			
CC:						

OFFICIAL

APR 21 2004

Attorney Docket No.: 99.25US (2870/458)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Cioca, et al.

Serial No.: 09/838,649

Group Art Unit: 1617

Filed: April 19, 2001

Examiner: Wells, Lauren Q.

For: Stable Antimicrobials in Structured Water

RESPONSE PURSUANT TO 37 CFR 1.111 - Introductory Comments

The Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Office Action, of April 21, 2004, the Examiner maintains a rejection of the present claims for being obvious. The present invention is not, as asserted by the Examiner, a simple addition of silver to structured water; and further, as the electrostatic charges of the silver ion and any type of water may result in interactions between the two, these interactive forces do not necessarily render the silver ions being incorporated within the cluster structure of the structured water. This point is further elucidated by the difference between the starting water in the cited reference and the feed water in the present invention, and are demonstrated by the data submitted in Manzatu Declaration. In the Manzatu Declaration, it is shown that there is a difference between simply adding an ion to structured water and integrating the same ion within the cluster structure of structured water. This point and others as they relate to the obviousness rejection of the pending claims are discussed in further detail below in the Remarks section. Applicants request that the following amendments be entered and the following remarks be considered.